

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
Dow *et al.*) Group Art Unit: 2622
Serial No.: not yet assigned)
Examiner: not yet assigned
Filed: December 17, 2001) Docket No.: 10980473-9
For: APPLIANCE AND METHOD FOR)
MENU NAVIGATION)

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In regard to the above-referenced application, the Applicants submit the following preliminary amendment and remarks to be respectively entered and considered prior to examination.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Company's Deposit Account No. 08-2025.

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I hereby certify that this correspondence is being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

By: Gloria Simmons
Gloria Simmons

AMENDMENTS

In the Specification

A. **Instruction:** Replace the first paragraph of the "SUMMARY OF THE INVENTION" beginning on page 4 of the originally filed application with this clean version below pursuant to 37 C.F.R. § 1.121.

The present invention overcomes the inadequacies and deficiencies of the prior art as discussed hereinbefore. The present invention provides an image capturing appliance, which, as a non-limiting example, may be a digital camera, incorporating a menu navigation interface for communicating with and allowing the user to navigate menus by reusing operational buttons in operating the appliance, as well as view captured images on the appliance and communicate those captured images to other devices. This interface, in conjunction with other interfaces, facilitates ease of use and hardware simplification and miniaturization of the capturing appliance for seamless integration of the appliance into a consumer's existing tools and processes.

REMARKS

Applicants wish to point out to the Examiner that the claims of the above referenced application are drawn to a digital camera, which Applicants submit is fully supported by the specification, as detailed below.

The above referenced application is a divisional of copending U.S. Utility Application entitled, "*APPLIANCE AND METHOD OF USING SAME HAVING A DELETE CAPABILITY FOR SAVED DATA*," (Docket No. 10980473-5) having serial

number 09/588,944 (hereinafter “the ‘944 application”), filed June 7, 2000, which is entirely incorporated herein by reference to the above referenced application. The ‘944 application is itself a divisional application of an application that has since issued as U.S. Patent No. 6,292,273 B1 (hereinafter “the ‘273 patent”), which also is entitled, “*APPLIANCE AND METHOD OF USING SAME HAVING A DELETE CAPABILITY FOR SAVED DATA.*” Furthermore, both the ‘944 application and the above referenced application are related to and also incorporate by reference U.S. Patent No. 6,160,926 (hereinafter “the ‘926 patent”), which is entitled “*APPLIANCE AND METHOD FOR CAPTURING IMAGES HAVING A USER ERROR INTERFACE.*” The ‘944 application, the ‘273 patent, and the ‘926 patent all include claims drawn to an “image capture and communication appliance,” which Applicants contend covers, among other things, a digital camera.

Support for construing the “image capture and communication appliance” as covering, among other things, a digital camera is found on page 15 of the ‘944 application, which describes that the invention may be implemented in a “digital camera.” Identical support is found in the ‘273 patent at column 10, lines 50-62. Furthermore, in compliance with 37 C.F.R. § 1.83, a digital camera is depicted in FIG. 2 of both the ‘944 application and the ‘273 patent. While the ‘926 patent does not itself expressly state the words “digital camera” like the ‘944 application and the ‘273 patent, it does, however, incorporate by reference U.S. Application Serial No. 09/130,082, which is the application that issued as the ‘273 patent. Thus, the ‘926 patent also, by incorporation, includes the subject matter of a digital camera as an image capture and communication appliance. Therefore, it is evident that the claimed “image capture and communication appliance” in each of the ‘944 application, the ‘273 patent, and the ‘926 patent indeed cover, among other things, a digital camera, which is properly supported by the specification and drawings.

Even though Applicants contend that the claims of '944 application, the '273 patent, and the '926 patent cover a digital camera, Applicants have filed the above referenced application in an effort to further clarify and define the invention as specifically covering a digital camera. Furthermore, Applicants have included the above amendment to the Summary of the Invention to further clarify that the invention does indeed cover, among other things, digital cameras. Because the above referenced application claims priority to and incorporates the aforementioned '944 application by reference, it has proper support for claiming a digital camera and does not introduce new matter. Moreover, the amendment to the Summary of the Invention set forth above also does not introduce new matter for the same reasons.

Favorable action in regard to the application is earnestly solicited.

Respectfully submitted ,

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& RISLEY, L.L.P.**

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APPENDIX A

Version with Markings to Show Changes Made.

The SUMMARY OF THE INVENTION is amended as indicated below by deleting the text within brackets ("[]") and inserting the text that is underlined ("__").

A. First paragraph under the heading "SUMMARY OF THE INVENTION" beginning on page 4 of the originally filed application:

The present invention overcomes the inadequacies and deficiencies of the prior art as discussed hereinbefore. The present invention provides an image capturing appliance, which, as a non-limiting example, may be a digital camera, incorporating a menu navigation interface for communicating with and allowing the user to navigate menus by reusing operational buttons in operating the appliance, as well as view captured images on the appliance and communicate those captured images to other devices. This interface, in conjunction with other interfaces, facilitates ease of use and hardware simplification and miniaturization of the capturing appliance for seamless integration of the appliance into a consumer's existing tools and processes.